IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1067 OF 2005
IN
SUMMONS FOR JUDGMENT NO.238 OF 2005
IN
SUMMARY SUIT NO.5036 OF 2000

SPECIALITY CANS (INDIA) PVT.LTD. Appellant
vs.
AHCO EXPORTS Respondent

Mr.Chirag S.Balsara with Mr.Raju Gawde i/b.M/s.S.K.Ashar & Co. for the appellant.

Mr.A.A.Lokhandwala i/b.M/s.Lokhandwala & Co. for the respondent.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 1st December 2005

P.C.

Heard Mr.Chirag Balsara, the learned counsel for the appellant and Mr.A.A.Lokhandwala, the learned counsel for the respondent.

2. For the reasons given by the learned trial Judge, with which we agree, we find that there was no plausible defence set up by the learned defendant. However, the learned trial Judge by way of mercy granted conditional leave to defendants on depositing a sum of Rs.3 lacs. The impugned order is eminently just and proper and warrants no interference.

3. The appeal is dismissed in limine.

4. The appellant is now granted time to deposit the amount in compliance of the impugned order by 15th January 2006.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)